

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**JAMES L. KOPECKY, RECEIVER)
FOR BRAD A. WEAVER AND)
BETA ASSET MANAGEMENT, INC.,)**

Plaintiff,

v.

**THOMAS BANDYK, BANDYK)
& ASSOCIATES, BANDYK &)
& ASSOCIATES, SOLE PROPRIETOR)**

Defendants.

Case No. 07 C 7156

Honorable Judge Andersen

PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

The Receiver, James L. Kopecky, by counsel, requests that this Honorable Court enter a default judgment as to all Defendants pursuant to Rule 55 of the Federal Rules of Civil Procedure. In support thereof, plaintiff states as follows:

1. On or about December 20, 2007, Plaintiff filed a complaint against defendants Thomas Bandyk, Bandyk & Associates, and Bandyk & Associates as Sole Proprietor. See the complaint, attached as Exhibit A.
2. On May 5, 2008, Thomas Bandyk filed a Pro-Se appearance. (See the Appearance, attached as Exhibit B).
3. According to the Federal Rules of Civil Procedure, Thomas Bandyk's response to the complaint was due twenty days thereafter, on January 9, 2008.
4. While Thomas Bandyk has filed an appearance, he has not filed an Answer to the Complaint.

5. Pursuant to Federal Rule of Civil Procedure 55, this Court may enter a default judgment against the Bandyk Defendants for their failure to answer the Complaint.

6. In an affidavit, attached as Exhibit C, the Receiver submits the amount of damages due from Defendants as a result of their fraudulent conduct and their breach of fiduciary duties,

WHEREFORE, Plaintiff prays for entry of a judgment by default on its Complaint against the Bandyk Defendants, and for such other and further relief as the Court deems fair and just, and to set this matter for prove-up.

Respectfully submitted,

s/James L. Kopecky
James L. Kopecky

James L. Kopecky, P.C.
190 South LaSalle Street, Suite 850-A
Chicago, Illinois 60603
312-380-6552
ARDC No. 6225359

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**JAMES L. KOPECKY, RECEIVER)
FOR BRAD A. WEAVER AND)
BETA ASSET MANAGEMENT, INC.,)**

Plaintiff,)

v.)

Case No. 07 C 7156

**THOMAS BANDYK, BANDYK)
& ASSOCIATES, BANDYK &)
& ASSOCIATES, SOLE PROPRIETOR)**

Honorable Judge Andersen

Defendants.)

AFFIDAVIT OF JAMES L. KOPECKY

James L. Kopecky, being duly sworn under oath states as follows:

1. I am the Plaintiff, as Receiver, in the above-captioned matter. I am the attorney of record for Plaintiff as well. I have personal knowledge of the facts contained herein and if called to testify, would testify to and in accordance with those facts.

2. I was admitted to practice before the courts of the State of Illinois in November of 1994 and I am a member in good standing in those courts. I am experienced in handling matters involving securities fraud, breach of fiduciary duties, common law fraud, as well as commercial litigation and breach of contract disputes.

3. I filed the above-captioned matter on behalf of the Receivership on December 20, 2007. At the time of filing the complaint, I sought \$1,990,992.00 in damages from the Defendants, based upon my review of banking records and other financial documents for Beta Asset Management and Brad Weaver, as well as bank and financial records for the Defendants. The bank records for all individuals and entities began on or about January 1, 2003.

4. Since the filing of the complaint, I have obtained additional financial records from the Securities Exchange Commission for 2002, including bank records for Beta and the Defendants.

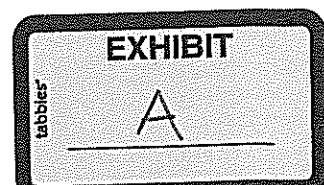
5. The additional bank records revealed that the Defendants received more from Beta than the \$1,990,992.00 in damages initially sought in the complaint. In fact, the Defendants received \$2,088,535.00 from Beta in excess of what they paid to Beta. Each of the Defendants' transactions with Beta are listed in Exhibit A to this Affidavit.

7. Thus, Plaintiff seeks \$2,088,535.00, in damages, plus costs, interest and attorneys' fees in connection with this matter.

FURTHER AFFIANT SAYETH NOT.

s/ James L. Kopecky
James L. Kopecky

Date Posted	Payor	Amount	Check No. / Wire /	Payee
05/06/02	Bandyk, Thomas	\$ 18,500.00	wire	Beta Asset Mgmt
05/07/02	Bandyk & Associates	6,500.00	wire	Beta Asset Mgmt
06/25/02	Bandyk, Thomas	28,000.00	wire	Beta Asset Mgmt
06/26/02	Bandyk, Thomas	5,000.00	wire	Beta Asset Mgmt
07/05/02	Bandyk, Thomas	5,000.00	wire	Beta Asset Mgmt
07/05/02	Bandyk, Thomas	20,025.00	wire	Beta Asset Mgmt
07/29/02	Bandyk, Thomas	14,500.00	wire	Beta Asset Mgmt
09/11/02	Bandyk, Thomas	21,300.00	wire	Beta Asset Mgmt
09/17/02	Bandyk, Thomas	20,000.00	wire	Beta Asset Mgmt
09/19/02	Bandyk, Thomas	100,000.00	wire	Beta Asset Mgmt
01/16/03	Bandyk, Tom	78,000.00	wire	Beta Asset Mgmt
01/21/03	Bandyk & Associates	65,000.00	wire	Beta Asset Mgmt
01/29/03	Bandyk & Associates	38,000.00	wire	Beta Asset Mgmt
01/29/03	Bandyk & Associates	42,000.00	wire	Beta Asset Mgmt
02/12/03	Bandyk & Associates	18,000.00	wire	Beta Asset Mgmt
03/18/03	Bandyk & Associates	79,000.00	wire	Beta Asset Mgmt
03/20/03	Bandyk & Associates	40,000.00	wire	Beta Asset Mgmt
03/31/03	Bandyk & Associates	40,000.00	wire	Beta Asset Mgmt
04/03/03	Bandyk & Associates	40,000.00	wire	Beta Asset Mgmt
04/15/03	Bandyk & Associates	10,500.00	wire	Beta Asset Mgmt
04/15/03	Bandyk & Associates	19,000.00	wire	Beta Asset Mgmt
04/15/03	Bandyk & Associates	36,000.00	wire	Beta Asset Mgmt
04/17/03	Bandyk, Thomas	30,000.00	wire	Beta Asset Mgmt
04/29/03	Bandyk & Associates	30,000.00	wire	Beta Asset Mgmt
04/30/03	Bandyk & Associates	20,000.00	wire	Beta Asset Mgmt
05/01/03	Bandyk & Associates	10,000.00	wire	Beta Asset Mgmt
05/19/03	Bandyk & Associates	10,000.00	wire	Beta Asset Mgmt
05/19/03	Bandyk & Associates	10,000.00	wire	Beta Asset Mgmt
07/14/03	Bandyk, Thomas	40,000.00	wire	Beta Asset Mgmt
07/16/03	Bandyk & Associates	20,000.00	wire	Beta Asset Mgmt
07/24/03	Bandyk & Associates	10,000.00	wire	Beta Asset Mgmt
08/22/03	Bandyk & Associates	45,000.00	wire	Beta Asset Mgmt
09/24/03	Bandyk, Thomas	20,000.00	wire	Beta Asset Mgmt
10/02/03	Bandyk & Associates	10,000.00	wire	Beta Asset Mgmt
10/20/03	Bandyk & Associates	57,000.00	wire	Beta Asset Mgmt
10/27/03	Bandyk, Thomas	33,000.00	wire	Beta Asset Mgmt
11/13/03	Bandyk & Associates	40,000.00	wire	Beta Asset Mgmt
11/26/03	Bandyk & Associates	5,000.00	wire	Beta Asset Mgmt
11/28/03	Bandyk & Associates	15,000.00	wire	Beta Asset Mgmt
11/28/03	Bandyk & Associates	70,000.00	wire	Beta Asset Mgmt
12/09/03	Bandyk & Associates	10,000.00	wire	Beta Asset Mgmt
12/09/03	Bandyk & Associates	15,000.00	wire	Beta Asset Mgmt
12/10/03	Bandyk & Associates	35,000.00	wire	Beta Asset Mgmt
01/07/04	Bandyk, Thomas	300,000.00	wire	Beta Asset Mgmt
01/08/04	Bandyk & Associates	20,000.00	wire	Beta Asset Mgmt
03/29/04	Bandyk & Associates	10,000.00	wire	Beta Asset Mgmt
03/31/04	Bandyk & Associates	10,000.00	wire	Beta Asset Mgmt



Date Posted	Payor	Amount	Check No. / Wire /	Payee
03/31/04	Bandyk & Associates	40,000.00	wire	Beta Asset Mgmt
04/06/04	Bandyk & Associates	25,000.00	wire	Beta Asset Mgmt
04/06/04	Bandyk & Associates	70,000.00	wire	Beta Asset Mgmt
04/07/04	Bandyk & Associates	50,000.00	wire	Beta Asset Mgmt
04/08/04	Bandyk & Associates	10,000.00	wire	Beta Asset Mgmt
04/09/04	Bandyk & Associates	20,000.00	wire	Beta Asset Mgmt
04/13/04	Bandyk & Associates	20,000.00	wire	Beta Asset Mgmt
04/15/04	Bandyk & Associates	20,000.00	wire	Beta Asset Mgmt
04/16/04	Bandyk & Associates	50,000.00	wire	Beta Asset Mgmt
04/30/04	Bandyk & Associates	10,000.00	3099	Beta Asset Mgmt
04/30/04	Bandyk & Associates	10,000.00	3110	Beta Asset Mgmt
05/10/04	Bandyk & Associates	10,000.00	wire	Beta Asset Mgmt
05/11/04	Bandyk & Associates	50,000.00	wire	Beta Asset Mgmt
05/13/04	Bandyk & Associates	100,000.00	wire	Beta Asset Mgmt
05/14/04	Bandyk & Associates	28,000.00	wire	Beta Asset Mgmt
06/03/04	Bandyk & Associates	10,000.00	wire	Beta Asset Mgmt
06/03/04	Bandyk & Associates	10,000.00	wire	Beta Asset Mgmt
06/07/04	Bandyk & Associates	20,000.00	wire	Beta Asset Mgmt
06/07/04	Bandyk & Associates	25,000.00	wire	Beta Asset Mgmt
06/14/04	Bandyk & Associates	30,000.00	wire	Beta Asset Mgmt
06/14/04	Bandyk & Associates	50,000.00	wire	Beta Asset Mgmt
06/14/04	Bandyk & Associates	100,000.00	wire	Beta Asset Mgmt
07/01/04	Bandyk & Associates	20,000.00	wire	Beta Asset Mgmt
07/01/04	Bandyk & Associates	40,000.00	wire	Beta Asset Mgmt
08/13/04	Bandyk, Thomas Frank	48,000.00	wire	Beta Asset Mgmt
08/13/04	Bandyk & Associates	50,000.00	wire	Beta Asset Mgmt
08/16/04	Bandyk & Associates	50.00	wire	Beta Asset Mgmt
08/18/04	Bandyk, Thomas Frank	2,000.00	wire	Beta Asset Mgmt
09/28/04	Bandyk & Associates	35,000.00	wire	Beta Asset Mgmt

\$ 2,572,375.00

\$ 4,660,910.00

\$ 2,572,375.00

\$ 2,088,535.00

Date Posted	Payor	Amount	Check No. / Wire /	Payee
05/29/02	Beta Asset Mgmt	\$ 27,900.00	2021	Bandyk, Thomas
09/30/02	Beta Asset Mgmt	6,000.00	wire	Bandyk, Thomas
12/17/02	Beta Asset Mgmt	52,500.00	2339	Bandyk, Thomas
12/27/02	Beta Asset Mgmt	87,500.00	2340	Bandyk, Thomas
01/14/03	Beta Asset Mgmt	20,000.00	1004	Bandyk, Thomas
02/21/03	Beta Asset Mgmt	13,800.00	1020	Bandyk, Thomas
03/04/03	Beta Asset Mgmt	7,000.00	1024	Bandyk, Thomas
03/10/03	Beta Asset Mgmt	2,000.00	1025	Bandyk, Thomas
03/20/03	Beta Asset Mgmt	20,750.00	wire	Bandyk & Associates
03/21/03	Beta Asset Mgmt	168,300.00	wire	Bandyk & Associates
03/25/03	Beta Asset Mgmt	53,000.00	wire	Bandyk & Associates
05/14/03	Beta Asset Mgmt	62,040.00	wire	Bandyk & Associates
06/20/03	Beta Asset Mgmt	50,000.00	wire	Bandyk
06/20/03	Beta Asset Mgmt	100,000.00	wire	Bandyk
06/24/03	Beta Asset Mgmt	42,000.00	wire	Bandyk & Associates
07/03/03	Beta Asset Mgmt	20,000.00	wire	Bandyk & Associates
08/13/03	Beta Asset Mgmt	60,000.00	wire	Bandyk & Associates
08/15/03	Beta Asset Mgmt	24,000.00	wire	Bandyk & Associates
08/18/03	Beta Asset Mgmt	9,000.00	wire	Bandyk & Associates
09/18/03	Beta Asset Mgmt	35,000.00	wire	Bandyk & Associates
09/22/03	Beta Asset Mgmt	57,920.00	wire	Bandyk & Associates
12/18/03	Beta Asset Mgmt	30,000.00	wire	Bandyk & Associates
12/31/03	Beta Asset Mgmt	100,000.00	wire	Bandyk & Associates
12/31/03	Beta Asset Mgmt	429,000.00	wire	Bandyk & Associates
02/06/04	Beta Asset Mgmt	62,200.00	wire	Bandyk & Associates
02/06/04	Beta Asset Mgmt	100,000.00	wire	Bandyk & Associates
02/17/04	Beta Asset Mgmt	150,000.00	1119	Bandyk, Thomas
02/19/04	Beta Asset Mgmt	135,000.00	1120	Bandyk, Thomas
03/05/04	Beta Asset Mgmt	20,000.00	wire	Bandyk & Associates
03/26/04	Beta Asset Mgmt	90,000.00	wire	Bandyk & Associates
04/02/04	Beta Asset Mgmt	105,000.00	wire	Bandyk & Associates
05/07/04	Beta Asset Mgmt	40,000.00	wire	Bandyk & Associates
05/18/04	Beta Asset Mgmt	50,000.00	wire	Bandyk & Associates
05/21/04	Beta Asset Mgmt	38,000.00	wire	Bandyk & Associates
05/26/04	Beta Asset Mgmt	200,000.00	wire	Bandyk & Associates
06/02/04	Beta Asset Mgmt	100,000.00	wire	Bandyk & Associates
06/03/04	Beta Asset Mgmt	135,000.00	wire	Bandyk & Associates
06/07/04	Beta Asset Mgmt	105,000.00	wire	Bandyk & Associates
06/29/04	Beta Asset Mgmt	400,000.00	wire	Bandyk & Associates
07/29/04	Beta Asset Mgmt	63,000.00	wire	Bandyk & Associates
08/12/04	Beta Asset Mgmt	250,000.00	wire	Bandyk & Associates
09/13/04	Beta Asset Mgmt	119,000.00	wire	Bandyk & Associates
09/16/04	Beta Asset Mgmt	105,000.00	wire	Bandyk & Associates
09/16/04	Beta Asset Mgmt	410,000.00	wire	Bandyk & Associates
09/17/04	Beta Asset Mgmt	36,000.00	wire	Bandyk & Associates
10/15/04	Beta Asset Mgmt	70,000.00	wire	Bandyk & Associates

Date Posted	Payor	Amount	Check No. / Wire /	Payee
11/04/04	Beta Asset Mgmt	10,000.00	wire	Bandyk & Associates
11/12/04	Beta Asset Mgmt	<u>390,000.00</u>	wire	Bandyk and Associates
		\$ 4,660,910.00		